

U.S. PTO Customer No. 25280

Case No. 5113

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Higgins et al.
 Serial Number: 09/721,871
 Filed: November 24, 2000
 For: Cushioned Carpet, Carpet Tile, and Method
 Group Art Unit: 1771
 Examiner: Juska, Cheryl Ann

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS

Box AF

Honorable Commissioner of Patents and Trademarks
 Washington, DC 20231

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated January 27, 2004, of the Examiner finally rejecting Claims 1-51, 57 – 85, 123 – 126, 128 – 130, 132, 133, 136 – 142 and 145 – 149.

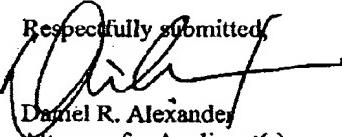
Although the rejection on page 2 of the Office Action dated January 27, 2004 includes claim 56, Applicant notes that claim 56 has been cancelled and that the rejection should have read "57" rather than "56".

The item(s) checked below are appropriate:

1. An Extension of Time is filed concurrently herewith.
2. Charge Deposit Account No. 04-0500 the fee of \$330.00
 Charge Deposit Account No. 04-0500 if any additional extension and/or fee is required.

An additional copy of this Notice is enclosed herewith.

Respectfully submitted,

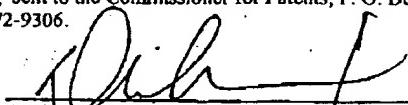

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04/02/2004 ASELLMAN 00000001 040500 09721871

CERTIFICATE OF MAILING

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330.00 ^{USD} by certify that this correspondence is being sent to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on March 24, 2004, by facsimile to 703-872-9306.


 Daniel R. Alexander, Attorney for Applicant(s)